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In re Application of :  
FUKUNAGA, Katsuaki, et al. :  
Application No.: 10/018,956 : DECISION ON  
PCT No.: PCT/JP00/04672 :  
Int. Filing Date: 12 July 2000 : PAPERS  
Priority Date: 14 July 1999 :  
Attorney's Docket No.: 0425-0871P : UNDER 37 C.F.R. 1.42  
For: COOLANT FOR AIRBAG INFLATOR :  
PROCESS FOR PROVIDING THE SAME :

On 27 December 2001, applicants filed papers for entry into the national stage in the United States. The declaration indicated that one inventor is deceased. This has been treated as a request for status under 37 CFR 1.42.

### **BACKGROUND**

On 12 July 2000, applicants filed international application PCT/JP00/04672, which claimed a priority date of 14 July 1999 and which designated the United States. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 25 January 2001.

A Demand electing the United States was filed with the International Preliminary Examining Authority on 17 January 2001. The election was made prior to the expiration of the nineteen months from the priority date. As a result, the deadline for payment of the basic national fee was extended to expire thirty months from the priority date, i.e., 14 January 2002.

On 27 December 2001, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee and a declaration.

### **DISCUSSION**

Under 37 CFR 1.42, in case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

The declaration is signed by inventors Katsuaki Fukunaga, Satoshi Yagi, and Mitsunori Ota and provides their citizenships, residences and mailing addresses. Additionally, the

declaration identifies Emiko Chiba as the sole heir of deceased inventor Masahiro Chiba and provides the citizenship, residence and mailing address of the sole heir in addition to the citizenship, and last known mailing address and residence of Masahiro Chiba.

This submission signed by Emiko Chiba as "sole heir" is construed as an indication that a legal representative has not been appointed nor is one required to be appointed by applicable law, and thus, the heir is signing as the legal representative of the estate. See MPEP 409.01(d). If this interpretation is incorrect, applicants are required to promptly notify the Office of such and to submit a declaration properly executed by the legal representative of the deceased inventor in response to the decision.

### CONCLUSION

For the above reasons, the request for status under 37 C.F.R. 1.42 is **GRANTED**.

The application has an international filing date of 12 July 2000 under 35 U.S.C. §363 and a date of 27 December 2001 under 35 U.S.C. §371. This application is being forwarded to the National Stage Processing Division of the Office of the PCT Operations for continued processing.



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